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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 POINT RUSTON, LLC; MICHAEL A.
9 COHEN; and SILVER CLOUD, INC.,

10 Plaintiffs,

11 v.

12 PACIFIC NORTHWEST REGIONAL
13 COUNCIL OF THE UNITED
14 BROTHERHOOD OF CARPENTERS
15 AND JOINERS OF AMERICA; JOBS
16 WITH JUSTICE EDUCATION FUND
17 OF WASHINGTON STATE, a non-profit
18 corporation; JIMMY MATTIA,
19 individually and as a representative of the
20 Regional Council; JIMMY HAUN,
21 individually and as a representative of the
22 Regional Council; JACOB CARTON,
23 individually and as a representative of
24 Jobs With Justice; ADAM HOYT,
25 individually and as a representative of
26 Jobs With Justice; and Does 1-50,

27 Defendants.

28 CASE NO. C09-5232BHS

ORDER DENYING
PLAINTIFFS' MOTION TO
COMPEL DOCUMENTS IN
RESPONSE TO PLAINTIFFS'
FIRST REQUEST FOR
PRODUCTION OF
DOCUMENTS TO
DEFENDANTS PACIFIC
NORTHWEST REGIONAL
COUNCIL OF THE UNITED
BROTHERHOOD OF
CARPENTERS AND JOINERS
OF AMERICA, JIMMY MATTIA,
AND JIMMY HAUN

This matter comes before the Court on Plaintiffs' motion to compel production of documents (Dkt. 77). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

I. ASSOCIATIONAL PRIVILEGE

On September 10, 2009, Plaintiffs filed their motion to compel production of documents. Dkt. 77. Defendants Pacific Northwest Regional Council of the United Brotherhood of Carpenters and Joiners of America, Jimmy Matta, and Jimmy Haun

1 (hereinafter referred to as “Carpenters”) filed a response on September 21, 2009. Dkt. 81.

2 On September 25, 2009, Plaintiffs filed a reply. Dkt. 86.

3 Plaintiffs made several requests for documents relating to Carpenters’
4 “demonstration and picketing activities.” Dkt. 77 at 2. Carpenters refused to disclose the
5 requested documentation on the basis that such production “calls for a legal conclusion
6 because it seeks an admission that Defendants have engaged in ‘picketing.’” *Id.* at 3
7 (citing Hunt Decl., Ex. 3, Resp. to Req. Nos. 1-5, 7-8, 14-24, 29, 31, 24-27, and 41-43).
8 Plaintiffs claim that they did not request this information to establish any admission by
9 Carpenters or to draw any legal conclusions. Dkt. 77 at 4.

10 Federal Rule of Civil Procedure 26(b)(1) provides:

11 Parties may obtain discovery regarding any nonprivileged matter that is
12 relevant to any party’s claim or defense Relevant information need not
13 be admissible at the trial if the discovery appears reasonably calculated to
lead to the discovery of admissible evidence. . . .

14 Carpenters assert no such privilege, and the materials requested appear relevant to
Plaintiffs’ claim(s).

15 Therefore, while the Court will not order Plaintiffs to agree that they will
16 not use the information to imply an admission by Carpenters, or a legal conclusion,
17 it will note that Carpenters are simply providing Plaintiffs responsive,
18 nonprivileged documents to a discovery request, nothing more. *See* Fed. R. Civ. P.
19 26(b)(1).

20 II. ELECTRONIC DISCOVERY

21 The parties’ pleadings also discuss the need to conduct e-discovery in this
22 case. *See* Dkts. 77, 81, 86. The Court directs the parties to meet and confer in good
23 faith and develop a plan going forward with respect to any e-discovery needs in
24 this case.

III. ORDER

Therefore, it is hereby **ORDERED** that Plaintiffs' motion to compel is **GRANTED**, and the parties are directed to proceed as stated herein.

DATED this 30th day of September, 2009.



BENJAMIN H. SETTLE
United States District Judge